

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION AT COOKEVILLE

STACY BRADY, RON BRANDT, JEANETTE)
CHAMPION, MARCIA DENTON, DARWIN)
DODSON, KATHERINE FRAISER, RONALD)
HOLMAN, HAROLD WAYNE JACKSON,) No. 2:08-cv-00058
ARNEE MILTON, DONNA POLING, PEGGY)
REEDER, DIANE SAWYER, ANGELA SPARKS,)
MARTHA SULLIVAN, STACY THORNE,)
BARBARA WILSON, TAMMY WOOD, and SAN)
YOUNG,)
)
Plaintiffs,)
)
vs.)
)
LTD PARTS, INCORPORATED, VISTEON)
CORPORATION, CENTRUM EQUITIES XV,)
LLC, TERRY HOWARD, and SHERRY VINSON,)
)
Defendants.)

DEFENDANTS' MOTION TO DISMISS

Defendants, LTD Parts, Inc. ("LTD"), Visteon Corporation ("Visteon"), Centrum Equities XV, LLC ("Centrum"), Terry Howard ("Howard"), and Sherry Vinson ("Vinson") (collectively "Defendants"), move pursuant to FED. R. CIV. P. 12(b)(1) to dismiss Plaintiffs' state law claims for retaliation based on union membership or support. As grounds, Defendants submit that Plaintiffs union based claims are subject to the exclusive jurisdiction of the National Labor Relations Board, based upon the doctrine articulated in the U.S. Supreme Court in *San Diego Building Trades Council v. Garmon*, 359 U.S. 236 (1959). Accordingly, for the reasons fully set forth in the contemporaneously filed Memorandum in Support of Defendants' Motion to Dismiss, Defendants submit that this Court lacks subject matter jurisdiction to hear Plaintiffs' claims which fall exclusively within the jurisdiction of the National Labor Relations Board.

WHEREFORE, Defendants respectfully request that the Court dismiss Plaintiffs claims for retaliation based on alleged union membership or support.

Respectfully submitted,

/s Ben H. Bodzy

Kenneth A. Weber (#15730)
Emily H. Plotkin (#22978)
Ben Bodzy (#23517)
BAKER, DONELSON, BEARMAN
CALDWELL & BERKOWITZ, P.C.
211 Commerce Street, Suite 1000
Nashville, TN 37201
(615) 726-5600 Telephone
(615) 726-0464 Facsimile

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served via the Court's electronic filing system on:

Kenneth S. Williams
Madewell, Jared, Halfacre & Williams
230 North Washington Avenue
Cookeville, TN 38501

and via U.S. Mail, postage prepaid on:

Jonathan Young
Cameron & Young
100 South Jefferson Avenue
Cookeville, TN 38501

on this 27th day of June, 2008.

/s Ben H. Bodzy
Ben H. Bodzy